

SCHEDULE 4

CONSEQUENTIAL AMENDMENTS

Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993

8.—(1) The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993^{M1} is amended as follows.

(2) In Schedule 1, the reference to Norway is revoked.

(3) At the end of Schedule 1, insert—

“(For special provision about Norway, see paragraph 8 of Schedule 4 to the International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012.)”.

(4) Despite sub-paragraph (2), Norway is^{F1}, and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden,] to continue to be treated as a Hague Convention Country for the purposes of Part 1 of the Act as modified by Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993—

- (a) in accordance with Article 48 of the 2007 Hague Convention, in relation to any matter relating to maintenance which is—
- (i) within scope of the 1973 Hague Convention, and
 - (ii) not within the scope of the 2007 Hague Convention;
- (b) in accordance with Article 56(2) of the 2007 Hague Convention, in relation to an application for recognition and enforcement of a maintenance decision given in Norway^{F2}, Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain or Sweden,] before the entry into force of that Convention for Norway^{F2}, Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain or Sweden,] where—
- (i) the conditions of recognition and enforcement under the 2007 Hague Convention prevent the recognition and enforcement of the decision, and
 - (ii) but for sub-paragraph (2), the decision would have been recognised and enforced under Part 1 of the Act as modified as mentioned above;
- (c) in relation to any of the following proceedings which are continuing on the day on which these Regulations come into force in accordance with regulation 1(1)—
- (i) proceedings for the establishment of a maintenance order under section 3 of the Act pursuant to an application made before that date, save that where a maintenance order is made in those proceedings on or after that date, recognition and enforcement of that order may not be sought pursuant to section 3(6D) and (6E);
 - (ii) proceedings under section 5 of the Act for the variation or revocation of a maintenance order to which that section applies pursuant to an application made before that date, save that where an order is made in those proceedings on or after that date, section 5(8) does not apply;
 - (iii) proceedings under section 6 of the Act for registration of a maintenance order where the certified copy of the order has been received by the Lord Chancellor or the Secretary of State before that date;

Changes to legislation: There are currently no known outstanding effects for the The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012, Paragraph 8. (See end of Document for details)

- (d) in relation to—
- (i) the enforcement or variation of a registered order pursuant to section 8 or 9 of the Act;
 - (ii) the cancellation of the registration, or the transfer, of a registered order pursuant to section 10 of the Act;
 - (iii) steps taken by the Lord Chancellor or the Secretary of State pursuant to section 11 of the Act in relation to a registered order.

(5) In this paragraph—

“the Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972;

“the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, as it applies in the United Kingdom by virtue of any declaration made by the [^{F3}United Kingdom] pursuant to Article 2(3) of that Convention;

“the 1973 Hague Convention” means the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations done at The Hague on 2nd October 1973 ^{M2}as it applies in the United Kingdom;

“maintenance decision” means a decision, or part of a decision, made by a court in a Contracting State, to which Chapter V of the 2007 Hague Convention applies by virtue of Article 19(1), or to which the 1973 Hague Convention applies, as the case may be;

“registered order” has the meaning given in section 21(1) of the Act.

Textual Amendments

- F1** Words in Sch. 4 para. 8(4) inserted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(b)(i)(aa)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 4 para. 8(4)(b) inserted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(b)(i)(bb)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 4 para. 8(5) substituted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(b)(ii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** S.I. 1993/593.
- M2** Cmd 7939.

Changes to legislation:

There are currently no known outstanding effects for the The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012, Paragraph 8.